

**Date:** 2022-05-30

**Subject:** *Ontario Dump Truck Association (ODTA) Labour and Safety Concerns*

**Contact:** **Diane Oliveira, Acting, Director, Purchasing  
905 874-5295**

**Report Number:** Corporate Support Services-2022-596

**Recommendations:**

That the report titled: Ontario Dump Truck Association (ODTA) Labour and Safety Concerns (Referred Matter 13/2022), to the Committee of Council Meeting of June 8, 2022, be received.

**Overview:**

- **At the Committee of Council meeting of March 30, 2022, Council received a delegation from Ontario Dump Truck Association (ODTA) representatives outlining concerns with labour rights, fair wages, and safety for dump truck operators.**
- **Council requested staff to review the ODTA basic agreement, and ensure that it is something that is considered prior to allowing companies to bid on City infrastructure projects to ensure that basic labour rights and fair wages are considered for all dump truck operators are being followed by contractors that work on city projects.**
- **Council requested staff to report back on how the ODTA basic agreement can be inserted into the City's processes to enshrine the rights of dump truck operators are taken into consideration prior to issuance of bids by the City on City projects so that it ensures our streets are the safest in Ontario for both dump truck operators as well as everyday road users.**

## **Background:**

At the Committee of Council meeting of March 30, 2022, Council received a delegation from Ontario Dump Truck Association (ODTA) representatives outlining concerns with labour rights, fair wages, and safety for dump truck operators.

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Council requested staff to report back on how the ODTA basic agreement can be inserted into the City's processes to enshrine the rights of dump truck operators are taken into consideration prior to issuance of bids by the City on City projects so that it ensures our streets are the safest in Ontario for both dump truck operators as well as everyday road users.

## **Current Situation:**

City contractors performing work on City projects are required to comply with all applicable federal, provincial and municipal laws and regulations, legislation and industry standards as they relate to the fulfilment of the contractor's obligations to the City. These include *Employment Standards Act*, *Occupational Health and Safety Act* and *Workplace Safety and Insurance Act*.

Contractors are responsible for the acts and omissions of its subcontractors and suppliers whether directly or indirectly employed by them. These obligations are embedded in the current competitive bid documents and resulting agreements with any successful bidder with the City. Dump truck operators are primarily independent operators who are hired by contractors through a broker for the provision of services, typically for removal of excavated materials from construction sites.

With Council's support, in November 2020, staff engaged a consulting firm to conduct a feasibility assessment on the implementation of a Fair Wage Policy in Brampton. Staff is currently preparing a report for Council's consideration in June 2022 for the adoption of a Fair Wage Policy.

Fair Wage Policies have two primary goals:

1. to prevent suppliers from competing for government contracts by paying employees substandard wages; and
2. to foster a level playing field environment in which contractors compete on the basis of quality, efficiency and productivity rather than by cutting corners on wages, benefits, statutory obligations or workplace safety.

One of the purposes of a Fair Wage Policy is to ensure that contractors pay wages and benefits that are at least on par with prevailing norms in the industry. However, it is not practical to apply a Fair Wage Policy to owner-operators, such as those represented by the ODTA. The reason for this is that a Fair Wage Policy *only* applies to the wages received by a worker. The payment received by an owner-operator combines both remuneration for work and compensation for the operating costs incurred by the owner-operator. In the case of the drivers represented by the ODTA, these operating costs would include, among others, the cost of diesel, maintenance, insurance and depreciation. Operationally, therefore, a policy to ensure fairness for owner-operators, such as the ODTA drivers, needs to be different from a Fair Wage Policy that ensures fairness for workers who are paid wage. The philosophy behind a Fair Wage Policy is, however, relevant to ensuring fairness for owner-operators. A Fair Wage Policy looks to industry to ascertain a prevailing norm. Similarly, Council can look to industry to establish a prevailing norm for owner-operators. In the case of the ODTA, this is the agreement that they have entered into, or will enter into, with various contractor associations.

Staff understand that the basic general agreement created by ODTA is in a preliminary form and negotiations are underway with construction associations to settle on a mutual agreement. The City of Brampton is not a party to this unilateral statement of compliance or the negotiations that took part to reach it, if any; therefore, we cannot fully comment on an agreement that to date has not been shared with the City. We can, however, continue to rely upon our current contracts and any complaints received with respect to our existing contracts, with dispute resolutions mechanisms to ensure ongoing compliance when it comes to workers rights, treatment and respect.

If an agreement is reached with any contractor as a result of a City competitive bid process, any City contractor will be obligated to adhere to the conditions of the agreement when hiring dump truck operators who are members of the ODTA on City projects. The City of Brampton, like our neighbouring municipalities, stand fully committed to finding ways to strengthen our own procurement processes to ensure any company we do business with is fully respecting the rights of workers.

### **Corporate Implications:**

No corporate implications.

### **Conclusion:**

City contractors are currently required to adhere to all applicable laws, legislation and industry standards as it relates to the work being performed on City projects, including

labour laws, human rights and health and safety. Staff support a resolution between the parties that promotes a safe and viable trucking industry that will continue to contribute to the successful delivery of City projects.

Authored By:

Reviewed and Recommended By:

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Acting Director, Purchasing

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Cynthia Ogbarmey-Tetteh  
Interim Commissioner,  
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Approved By:

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Paul Morrison  
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